ARTICLE 2. REGULATIONS AND STANDARDS

SECTION 1. DEFINITIONS.

Unless otherwise defined, or a different meaning is clearly required by context, the following words and phrases, as used in these Regulations and Standards and the related appendices shall have the following meanings:

"Act" means the Clean Air Act, as amended (42 U.S.C. 7401 et seq.).

"Actual emissions" for purposes other than the Prevention of Significant Deterioration program, means the actual rate of emissions of a pollutant from an emissions unit as determined below:

(1) In general, Actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during the preceding year and which is representative of normal source operation. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, existing control equipment, and types of material processed, stored, or combusted during the selected time period.

(2) The Director may presume that the source-specific Allowable emissions for the unit are equivalent to the Actual emissions of the unit.

(3) For any emissions unit which has not begun normal operations on the particular date, Actual emissions shall equal the potential to emit of the unit on that date.

"Actual emissions", for purposes of the Prevention of Significant Deterioration program, means the actual rate of emissions of a regulated NSR pollutant from an emissions unit as determined in accordance with paragraphs (1) through (3) below except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a Plant-wide Applicability Limitation (PAL) under Article 2, Section 19, ~~subsection~~ paragraph (K). Instead, "baseline actual emissions" and "projected actual emissions" shall apply for those purposes.

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, existing control equipment, and types of materials processed, stored, or combusted during the selected time period.

(2) The Director may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Actuals PAL" for a major stationary source means a Plantwide Applicability Limitation (PAL) based on the baseline actual emissions of all emissions units at the source, that emit or have the potential to emit the PAL pollutant.

"Administrator" means the Administrator of the United States Environmental Protection Agency or his or her designee.

"Affected facility" means, with reference to a stationary source, any apparatus to which a standard of performance is specifically applicable.

"Affected source" means a source that includes one or more Affected units.

"Affected States" means all States that:

(1) Are one of the following contiguous States: Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming, and in the judgment of the Director may be affected by emissions from a facility seeking a Title V permit, modification, or renewal; or

(2) Are a contiguous State within 50 miles of the permitted source.

"Affected unit" means a unit that is subject to emission reduction requirements or limitations under Article 2, Section 26 of these Regulations and Standards.

"Air contaminant" or "Air contamination" means the presence in the outdoor atmosphere of any dust, fumes, mist, smoke, vapor, gas, or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

"Air pollutant" or "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration as are or may tend to be injurious to human, plant or animal life.

"Air pollution control agency" means a local government health authority charged with responsibility for enforcing ordinances or law relating to the prevention and control of air pollution.

"Air Quality Control Region" means a region designated by the Governor, with the approval of the Administrator, for the purpose of assuring that national primary and secondary ambient air quality standards will be achieved and maintained.

"Allowable emissions" means

(1) For a stationary source, the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation or both) and the most stringent of the following:
   (a) The applicable standards set forth in 40 CFR Part 60 (Standards of Performance for New Stationary Sources) or 40 CFR Parts 61 or 63 (National Emission Standards for Hazardous Air Pollutants);
   (b) Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or
   (c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(2) For a Plant-wide Applicability Limitation (PAL), the definition is the same as in (1) above except as this definition is modified according to (2)(b) below:
   (a) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.
   (b) An emissions unit's potential to emit shall be determined using the definition in this section except that the words "or enforceable as a practical matter" should be added after "federally enforceable".

"Ambient air" means the portion of the atmosphere, external to buildings, to which the general public has access.

"AP-42" refers to the Compilation of Air Pollutant Emission Factors, published by the EPA Office of Air Quality Planning and Standards.

"Applicable requirement" means except as provided in (12), all of the following as they apply to emissions units in a source required to obtain an operating permit, including requirements that have been promulgated and approved by the City of Lincoln and/or the Lancaster County Board of Commissioners through rulemaking at the time of issuance but have future effective compliance dates:

(1) Any standard or other requirement provided for in the applicable implementation plan that implements the relevant requirements of the Act, including any revisions to the plan promulgated in 40 CFR Part 52;
(2) Any term or condition of any pre-construction permit;
(3) Any standard or other requirement under Article 2, Section 18 of these Regulations and Standards relating to standards of performance for new stationary sources;
(4) Any standard or other requirement established pursuant to Section 112 of the Act and regulations adopted in Article 2, Sections 23, 27 and 28 of these Regulations and Standards relating to hazardous air pollutants listed in Appendix II,

(5) Any standard or other requirement of the acid rain program under Section 26 of these Regulations and Standards;
(6) Any requirements established pursuant to Article 2, Section 26 of these Regulation and Standards;
(7) Any standard or other requirement governing solid waste incineration, under Article 2, Section 18 of these Regulations and Standards or pursuant to Article 2, Section 129 (e) of the Act;
(8) Any standard or other requirement for consumer and commercial products, under Article 2, Section 183(e) of the Act and regulations adopted by the City of Lincoln or the Lancaster County Board of Commissioners;
(9) Any standard or other requirement for tank vessels under Section 183(f) of the Act and regulations adopted by the City of Lincoln or the Lancaster County Board of Commissioners;
(10) Any standard or other requirement to protect stratospheric ozone as promulgated pursuant to Title VI of the Act and regulations adopted by the City of Lincoln or the Lancaster County Board of Commissioners; and
(11) Any national ambient air quality standard or increment or visibility requirement under Article 2, Section 18 of these Regulations and Standards but only as it would apply to temporary sources permitted pursuant to Article 2, Section 10 of these Regulations and Standards.
(12) "Applicable requirements under the Act" means federal regulations promulgated pursuant to the Clean Air Act, as amended, which have not been considered and adopted by the City of Lincoln or the Lancaster County Board of Commissions.

"Area source" means:
(1) For the purposes of Class I permits under Article 2, Section 5, ~~sub~~ paragraph (A)(1)(b) of these Regulations and Standards, any stationary source of hazardous air pollutants that is not a major source and as more particularly defined by National Emission Standards for Hazardous Air Pollutants promulgated under 40 CFR Part 63 and adopted by the Lancaster County Board of Commissioners.
(2) For all other purposes, any small residential, governmental, institutional, commercial, or industrial fuel combustion operation; on-site waste disposal facility, vessels, or other transportation facilities, or other miscellaneous sources, as identified through inventory techniques approved by the Director.
(3) Area source shall not include motor vehicles or non-road vehicles.

"Baseline actual emissions" has the definition given to it in Article2, Section 19, ~~subsection~~ paragraph (E).

"Baseline area" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under Section 107(d)(1)(D) or (E) of the Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than one microgram per cubic meter (annual average) of the pollutant for which the minor source baseline date is established.

"Baseline concentration" means that ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date.
(1) A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:
  (a) The actual emissions, as defined in this section, representative of sources in existence on the applicable minor source baseline date, except as provided in paragraph (2) below; and
  (b) The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.
(2) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):
  (a) Actual emissions from any major stationary source on which construction commenced after the major source baseline date; and
  (b) Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

"Begin actual construction" means in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures. With respect to a change in method of operating this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

"Best Available Control Technology (BACT)" , for purposes of the Prevention of Significant Deterioration (PSD) program means an emission limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the reviewing authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"Best Available Control Technology" of "BACT", for purposes other than the PSD program, means an emission limitation or a design, equipment, work practice, operational standard or combination thereof, which results in the greatest degree of reduction of a pollutant as determined by the Director to be achievable by a source, on a case-by-case basis, taking into account energy, public health, environmental and economic impacts and other costs.

"Board of Health" means the Lincoln-Lancaster County board of Health.

"Building, structure, or facility" for purposes other than the Prevention of Significant Deterioration program means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

"Building, structure, facility, or installation", for purposes of the Prevention of Significant Deterioration program, means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

"Class I operating permit" means any permit or group of permits covering a Class I source that is issued, renewed, amended, or revised pursuant to these Regulations and Standards and meets the definition of Title V permit for purposes of the Clean Air Act.

"Class I source" means any source subject to the Class I permitting requirements of Article 2, Section 5 of these Regulations and Standards.

"Class II operating permit" means any permit or group of permits covering a Class II source that is issued, renewed, amended, or revised pursuant to these Regulations and Standards.

"Class II source" means any source subject to the Class II permitting requirements of Article 2, Section 5 of these Regulations and Standards.

"Commence" as applied to construction, reconstruction, or modification of a stationary source means that the owner or operator has all necessary pre-construction approvals and either has:

(1) Begun, or caused to begin, a continuous program of physical on-site construction of the source to be completed within a reasonable time;

(2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

"Complaint" means any charge, a however informal, to or by the Department that any person or agency, private or public, is polluting the air or is violating the provisions of these Regulations and Standards.

"Complete" means, in reference to an application for a permit, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Department from requesting or accepting any additional information.

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

"Consumer Price Index or CPI" means the average of the Consumer Price Index for all urban consumers published by the United States Department of Labor at the close of the twelve-month period ending on August 31 of each year.

"Control and controlling"means prohibition of contaminants as related to air pollution.

"Control equipment" means any equipment that functions to prevent the formation of or the emission to the atmosphere of air contaminants from any fuel burning equipment, incinerator, or process equipment.

"Control strategy" means a plan to attain National Ambient Air Quality Standards or to prevent exceeding those standards.

"Crematory" means a furnace used to cremate human and animal remains that is owned and/or operated by a person(s) engaged in the business of conducting cremations.

"Department" means the Lincoln-Lancaster County Health Department

"Designated representative" means a responsible natural person authorized by the owners and operators of an Affected source and of all Affected units at the source, as evidenced by a certificate of representation submitted in accordance with ~~s~~ Subpart B of 40 CFR Part 72, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program. Whenever the term "responsible person" is used in this Ordinance it shall be deemed to refer to the "designated representative" with regard to all matters under the Acid Rain Program.

"Deviation" means a departure from an indicator range or work practice for monitoring, consistent with an averaging period specified for averaging the results of the monitoring.

"Director" means the Health Director of the Lincoln-Lancaster County Health Department, or any representatives, agents, or employees of the Director.

"Dioxin/furans" means total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

"Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by using that portion of a stack which exceeds good engineering practice stack height, varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of the pollutant, or increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. The preceding sentence does not include:

(1) The re-heating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(2) The use of smoke management in agricultural or silvicultural prescribed burning;

(3) The merging of exhaust gas streams where:

(a) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

(b) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the Allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or

(c) Before July 8, 1995, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Director shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Director shall deny credit for the effects of such merging in calculating the allowable emissions for the source.

(4) Episodic restrictions on residential wood burning and open burning;

(5) Techniques such as manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack, or other selective handling of exhaust gas streams, which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

"Draft permit" means the version of a permit for which the permitting authority offers public participation and, in the case of a Class I draft operating permit, affected state review.

"Emergency generator" means a generator whose sole function is to provide backup power when electric power from the local utility is interrupted.

"Emission data" means chemical analysis of process fuel and the manufacturing or production process, as well as operational procedure and actual nature and amounts of emissions.

"Emission limitation" and "Emission standard" mean a requirement established by a State, local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

"Emission allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement or applicable requirement under the Act that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid any of the same to which the source would otherwise be subject.

"Emissions unit" means any part or activity of a stationary source which emits or would have the potential to emit any regulated air pollutant or any pollutant listed in Appendix II. Subject to regulation under the Act. This term is not meant to alter or affect the definition of the "unit" for purposes of Title IV of the Act.

"Emissions" means releases or discharges into the outdoor atmosphere of any air contaminant or combination thereof.

"Excessive concentrations" for the purpose of determining "good engineering practice stack height" defined elsewhere in this section, means:

(1) For sources seeking credit for stack height exceeding that established in paragraphs (1) and (2) of the definition of "good engineering practice (GEP) stack height", a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program (40 CFR §51.166 and §52.21), an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment.
The allowable emission rate to be used in making demonstrations under this part shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is not feasible. Where such demonstrations are approved by the Director, an alternative emission rate shall be established in consultation with the source owner or operator.

(2) For source seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established in paragraphs (1) and (2) of the definition of "good engineering practice (GEP) stack height", either a maximum ground-level concentration due in whole or part of downwash, wakes or eddy effects as provided in paragraph (A) above, except that the emission rate specified by any applicable State implementation plan (or, in the absence of such a limit, the actual emission rate) shall be used, or the actual presence of a local nuisance caused by the existing stack, as determined by the Director.

(3) For sources seeking credit after January 12, 1979 for a stack height determined in paragraphs (1) and (2) of the definition of "good engineering practice (GEP) stack height", where the Director requires the use of a field study of fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984 based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970 based on the aerodynamic influence of structures not adequately represented by the equations in paragraphs (1) and (2) of the definition of "good engineering practice (GEP) stack height", a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

"Existing source" means equipment, machines, devices, articles, contrivances, or installations which are in being on the effective date of these Regulations and Standards.

"Federally enforceable" means all limitations, conditions, and requirements within any applicable State Implementation Plan, and permit requirements established in any permit issued pursuant to these Regulations and Standards, and any requirements in Article 2, Section 18, Section 23, Section 27 and Section 28 of these Regulations and Standards which are enforceable by the Administrator.

"Final permit" means the version of a permit issued by the Department that has completed all review procedures required by Article 2, Section 14 of these Regulations and Standard, and for Class I permit, Article 2, Section 13 of these Regulations and Standards.

"Fixed capital cost" means the capital needed to provide all the depreciable components of a source.

"Fuel burning equipment" means any furnace, boiler, apparatus, stack and all associated equipment used in the process of burning fuel.

"Fugitive dust" means solid airborne particulate matter emitted from any source other than a flue or stack.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means all animal, fruit, or vegetable waste residue which is produced by preparation, dressing, use, cooking, dealing in, or storage of meats, fish, fowl, fruits, vegetables, cereals, grains for human consumption, and coffee or tea grounds.

"General permit" means Class I or Class II operating permit that meets the requirements of Article 2, Section 9 of these Regulations and Standards.

"Good Engineering Practice (GEP) Stack Height" means the greater of:

(1) Sixty-five (65) meters;

(2) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required, Hg = 2.5H, provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limit, where:
Hg = good engineering practice stack height measured from the ground level elevation at the base of the stack; and,
H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack.

(3) For all other stacks, Hg = H + 1.5L, where:
Hg = good engineering practice stack height measured from the ground level elevation at the base of the stack; and,
H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack; and,
L = lesser dimension (height of projected width) of nearby structure(s).
Provided that the Director may require the use of a field study of fluid model to verify GEP stack height for the source; or

(4) The height demonstrated by fluid model or a field study approved by the Director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

"Hazardous air pollutant" means any air pollutant:

(1) Listed in Appendix II, or

(2) To which no ambient air quality standard is applicable and which in the judgement of the Director may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

"Hospital waste" means discards generated at a hospital, except unused item returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment, or cremation.

"Incinerator" means any article, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. Coatings bake off ovens (burn-off furnaces) that use pyrolysis to remove coating material from parts hangers and/or other devices with similar function shall not be considered incinerators, but shall be considered process equipment.

"Insignificant activities" refers to activities and emissions that may be excluded from reporting for operating permit applications and/or emissions inventories.

"Installation" means an identifiable piece of process equipment.

"LLCAPCPRS" means the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. This may also be referred to as the Regulations and Standards.

"LLCHD" mean the Lincoln-Lancaster County Health Department.

"Lowest Achievable Emission Rate (LAER)" means, for any source, the more stringent emission rate from either:

(1) The most stringent emission limitation contained in the implementation plan of any state for such class or category of sources (as adopted by the Lancaster County Board of Commissioners) unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

(2) The most stringent emission limitation which is achieved in practice by such class or category or source and adopted by the Council. These limitations, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

"Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act.

(1) Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.

(2) A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair and replacement;

(b) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Energy Regulatory Act;

(c) Use of an alternative fuel by reason of an order or rule under Section 125 of the Act;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(1) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR §52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR §51.166; or

(2) The source is approved to use under any permit issued under regulations approved pursuant to 40 CFR §51.165.

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR §52.21 or regulations approved pursuant to 40 CFR Part 51, Subpart I; or

(g) Any change in ownership at a stationary source.

(h) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(1) The State implementation plan for the State in which the project is located; and

(2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(i) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(j) The reactivation of a very clean coal-fired electric utility team generating unit.

(3) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under Article 2, Section 19 for a PAL for that pollutant. Instead, the definition of "PAL major modification" shall apply.

"Major source baseline date" means, in the case of particulate matter and sulfur dioxide, January 6, 1975, and, in the case of nitrogen dioxide, February 8, 1988.

"Major stationary source or major source" means any source identified in Article 2, Section 2 of these Regulations and Standards.

"Maximum achievable control technology (MACT)" means:

(1) ~~f~~ For new sources, the emission limitation reflecting the maximum degree of reduction in hazardous air pollutant emissions that is deemed achievable, which is no less stringent than the emission limitation achieved in practice by the best controlled similar source.

(2) For existing sources, the emission limitation reflecting the maximum degree of reduction in hazardous air pollutant emissions that the Director, taking into consideration the cost of achieving such emission reductions, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory, which is no less stringent than the average emission limitation achieved by the best performing 12 percent of the existing sources, as determined pursuant to Section 112(d)(3) of the Act.

"Method 9 refers to a visual determination of the opacity of emissions from a stationary source as defined in 40 CFR 60, Appendix A-4.

"Method 22" refers to a visual determination of fugitive emissions from material sources and smoke emissions from flares as defined in 40 CFR 60, Appendix A-7.

"Minor source" means any source which is not defined as a major source in Article 2, Section 2 of these Regulations and Standards.

"Mobile source" means a motor vehicle, nonroad engine, or nonroad vehicle. A motor vehicle is a self-propelled vehicle designed for transporting persons or property on a street or highway. A nonroad vehicle is a vehicle powered by a nonroad engine. A nonroad engine is an internal combustion engine that is not used in a motor vehicle or a vehicle used solely for competition or that is not subject to standards promulgated under Section 111 or Section 202 of the Act.

"Modification" means any physical change in, or change in method of operation of, an affected facility which increases the amount of any air pollutant, except that;

(1) Routine maintenance, repair, and replacement (except as defined as reconstruction) shall not be considered physical changes; and

(2) An increase in the production rate or hours of operation shall not be considered a change in the method of operation unless such change would violate a permit condition.

"National standard" means either a primary or a secondary standard established pursuant to the Act.

"Nearby" means, as pertains to Good Engineering Practice Stack Height;

(1) That distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one-half mile), and

(2) For conducting demonstrations under paragraph (4) of the definition for "Good Engineering Practice (GEP) Stack Height", that distance not greater than 0.8 km (½ mile), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height (HT) of the feature, not to exceed 2 miles if such feature achieves a height (HT) 0.8 km from the stack that is at least 40 percent of the GEP stack height determined by the formula provided in paragraph (3) of the definition for "Good Engineering Practice (GEP) Stack Height" or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

"Necessary pre-construction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State Implementation Plan.

"Net emissions increase" means, with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(1) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to Article 2, Section 19, ~~subsection~~ paragraph (H); and

(2) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases shall be determined as provided in Article 2, Section 19, ~~subsection~~ paragraph (E) except that ~~subsections~~ paragraphs (E)(5) and (E)(6) shall not apply.

(3) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(4) An increase or decrease in actual emissions is creditable only if:
   (a) It occurs within a reasonable period, not to exceed one year, to be specified by the Director; and
   (b) The Director has not relied on it in issuing a permit for the source under regulations approved pursuant to 40 CFR §51-165, which permit is in effect when the increase in actual emissions from the particular change occurs; and

(5) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

(6) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(7) A decrease in actual emissions is creditable only to the extent that:
   (a) The old level of actual emissions or the old level of allowable emissions, which ever is lower, exceeds the new level of actual emissions;
   (b) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins;
   (c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(8) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(9) "Actual emissions" for purposes other than the Prevention of Significant Deteriorated program, paragraph (1) shall not apply for determining creditable increases and decreases.

"Netting" means, for purposes of Article 2, Section 17, paragraph (A)(3), the method used to calculate the difference between the potential emissions (potential to emit) associated with a replacement emission unit and the actual emissions (the average of these emissions over the most recent 24 month period) associated with the emission unit being replaced and, if applicable, any concurrent actual emissions increases and decreases associated with other equipment at the source.

"New source" means any stationary source, the construction, modification, or reconstruction of which is commenced after the publication of regulations by the Lincoln-Lancaster County Health Department or the United States Environmental Protection Agency prescribing a standard of performance which will be applicable to such source.

"Non-emergency generator" means, for purposes of Article 2, Section 17, paragraph (P), a generator that may be used to produce electricity during periods when electric power from the local utility is available.

"Non-attainment area" means any area designated by the Department or the U.S. Environmental Protection Agency pursuant to Section 107 (d) of the Act as an area exceeding any National Ambient Air Quality Standard.

"Odor" means that property of an air contaminant detectable by the Department, beyond the boundary line of the property on which the source is located.

"Opacity" means a state which renders material partially or wholly impervious to rays of visible light and causes obstruction of an observer's view.

"Open burning" means the burning of any matter in such a manner that the products of combustion resulting from such fires are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

~~"PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J at 40 CFR Part 50 or equivalent methods.~~

"PAL effective date" generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased Plant-wide Applicability Limitations (PAL) is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

"PAL effective period" means the period beginning with the PAL effective date and ending 10 years later.

"PAL major modification" means, notwithstanding the definitions of "major stationary source" and "major modification", any physical change in or change in the method of operation of the Plant-wide Applicability Limitation (PAL) source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

"PAL permit" means the construction permit issued by the Department that establishes a Plant-wide Applicability Limitation (PAL) for a major stationary source.

"PAL pollutant" means the pollutant for which a Plant-wide Applicability Limitation (PAL) is established at a major stationary source.

"Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

"Particulate matter emissions" means all finely divided solid or liquid material, other than un-combined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method, specified by the U.S. Environmental Protection Agency, or by a test method specified in an approved State Implementation Plan.

"PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J at 40 CFR Part 50 or equivalent methods.

"PM_{10} emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified by the U.S. Environmental Protection Agency or by a test method specified in an approved State Implementation Plan.

"Permit modification" means a revision to a Class I or Class II operating permit that meets the requirements of Article 2, Section 15 of these Regulations and Standards.

"Permit revision" means any Class I or Class II operating permit modification or administrative permit amendment.

"Permitting authority" means the Lincoln-Lancaster County Health Department.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof or any legal successor, representative, agent, or agency of the foregoing.

"Performance test" means measurements of emissions or other procedures used for the purpose of determining compliance with a standard of performance conducted in accordance with approved test procedures.

"Plan or Implementation plan" means an implementation plan adopted by the Nebraska Department of Environmental Quality pursuant to Section 110 of the Act, to attain and maintain a national standard.

"Plant-wide applicability limitation (PAL)" means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with Article 2, Section 19, ~~subsection~~ paragraph (K).

~~"Implementation plan" means an implementation plan adopted by the Nebraska Department of Environmental Quality pursuant to Section 110 of the Act, to attain and maintain a national standard.~~

"Pollution prevention" means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal: it does not mean recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Article 2, Section 26 of these Regulations and Standards.

"Predictive emissions monitoring system (PEMS)" means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O_2 or CO_2 concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

"Prevention of Significant Deterioration Program (PSD) program" means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of 40 CFR §51.166 or 40 CFR §52.21. Any permit issued under such a program is a major NSR permit.

"Primary standard" means a national primary ambient air quality standard identified in Article 2, Section 4 of these Regulation and Standards.

"Process" means any action, operation or treatment, and all methods and forms of manufacturing or processing, that may emit smoke, particulate matter, gaseous matter, or other air contaminant.

"Process equipment" means any equipment, device, or contrivance for changing any materials whatsoever or for storage or handling of any materials, the use or existence of which may cause any discharge of air contaminants.

"Process weight" means the total weight of all materials introduced into any source operation. Solid fuels charged with be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

"Process weight rate" means for continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof. For a cyclical or batch source operation, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the number of hours of actual process operation during such a period. Where the nature of any process or operation, or the design of any equipment, is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

"Proposed Class I operating permit" means the version of a permit that the Department proposes to issue and forwards to the Administrator for review.

"Pyrolysis" means the endothermic (absorption of heat) gasification of waste material using external energy.

"Reasonable further progress" means such annual incremental reductions in emissions of the relevant air pollutant as are required by Part D of the Act or may reasonable be required by the Director for the purpose of ensuring attainment of the applicable ambient air quality standard by the applicable date.

"Reconstruction" means a situation where the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new facility or source. However, any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions of 40 CFR §60.15(f) (1)-(3). A reconstructed source will be treated as a new stationary source. In determining best available control technology or lowest achievable emission rate for a reconstructed source, the provisions of 40 CFR §60.15(f) (4) shall be taken into account in assessing whether a standard of performance under 40 CFR Part 60 is applicable to such source.

"Refuse" means and includes garbage, rubbish, ashes, street refuse, dead animals, vehicles and parts thereof, industrial wastes, construction wastes, sewage treatment residue, leaves, and grass, and any other waste matter or material which accumulates in the conduct of a household, business establishment, shop, or factory of any kind of nature, and any other combustible waste material containing carbon in a free or combined state.

"Region" means:

(1) An air quality control region designated by Administrator; or
(2) Any area designated by the State as an air quality control region.

"Regional Administrator" means the Regional designee appointed by the Administrator.

"Regulated air pollutant" means the following:

(1) Nitrogen oxides or any volatile organic compounds as defined in this section;
(2) Any pollutant for which a national ambient air quality standard has been promulgated;
(3) Any pollutant that is subject to any standard in Article 2, Section 18 of these Regulations and Standards; and
(4) Any pollutant subject to a standard or other requirements established in Article 2, Section 23 of these Regulations and Standards relating to hazardous air pollutants, including the following:
    (a) Any pollutant subject to requirements under Section 112(j) of the Act; and
    (b) Any pollutant for which the requirements relating to construction, reconstruction, and modification in Section 112(g) of the Act have been met, but only with respect to the individual source subject to these requirements.

"Regulated air pollutant for fee purposes" means any regulated air pollutant identified in the previous section, except for the following:

(1) Particulate matter, excluding PM_{10};
(2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; and
(3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation promulgated under Section 112r) of the Act.

"Regulated NSR pollutant" means the following:

(1) Any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator (e.g., volatile organic compounds are precursors for ozone);
(2) Any pollutant that is subject to any standard promulgated under Section 111 of the Act;
(3) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

(4) Any pollutant that otherwise is subject to regulation under the Act; except that any or all hazardous air pollutants either listed in Section 112 of the Act or added to the list pursuant to Section 112(b)(2) of the Act, which have not been delisted pursuant to Section 112(b)(3) of the Act, are not regulated NSR pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Act.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Replacement unit" means an emission unit for which the following criteria are met:

(1) The emissions unit is a reconstructed unit within the meaning of "reconstruction" as defined in this Section, or the emissions unit completely takes the place of an existing emissions unit.

(2) The emissions unit is identical to or functionally equivalent to the replace emissions unit.

(3) The replacement does not change the basic design parameter(s) of the process unit.

No creditable emission reductions shall be generated from shutting down the existing unit that is replaced.

"Responsible official" means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
   (a) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or
   (b) The delegation of authority to such representatives is approved in advance by the permitting authority;

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(4) For affected sources:
   (a) The designated representative in so far as actions, standards, requirements, or prohibitions under Article 1, Section 2 of these Regulations and Standards are concerned; and
   (b) The designated representative for any other purposes under ŧ Title V of the Act.

"Rule, regulation or standard" means any rule or regulation of the City of Lincoln or the Lancaster County Board of Commissioners.

"Salvage operation" means any operations conducted in whole or in part for the salvaging or reclaiming of any product or material.

"Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(1) Emissions from ships or trains coming to or from the new or modified stationary source; and

(2) Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

"Secondary standard" means a national secondary ambient air quality standard identified in Section 4 of these Regulations and Standards.

"Section 502(b)(10) changes" means changes that contravene an expressed permit term. Such changes do not include changes that would violate applicable requirements or applicable requirements under the Act, or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting or compliance certification requirements.

"Significant" means, as pertains to a modification in a non-attainment area, a net increase in actual emissions by a rate that would equal or exceed the following:

Pollutant and Emission Rate
Carbon monoxide: 100 tons per year (tpy)
Nitrogen oxides: 40 tpy
Sulfur dioxide: 40 tpy
Particulate matter: 25 tpy
PM_{10}: 15 tpy
Ozone: 40 tpy of volatile organic compounds
Lead: 0.6 tpy
Fluorides: 3 tpy
Sulfuric acid mist: 7 tpy
Hydrogen sulfide (H_2S): 10 tpy
Total reduced sulfur (including H_2S): 10 tpy
Reduced sulfur compounds (including H_2S): 10 tpy
Municipal waste combustor organics
(Measured at total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzo furans): $3.2X10^{-6}$ megagrams per year (3.5×10^{-6} tons per year)
Municipal waste combustor metals
(Measured as particulate matter): 14 megagrams per year (15 tons per year)
Municipal waste combustor acid gases
(Measured as sulfur dioxide and hydrogen chloride): 35 megagrams per year (40 tons per year)
Municipal solid waste landfill emissions
(Measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year)

"Solid waste" means any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial and mining operations, and from community activities.

"Source" means any factory, grain elevator, machine, industrial plant, real or personal property, or person contributing to air pollution.

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Stack height" means the distance from the ground level elevation of a stack to the elevation of the stack outlet.

"Stack in existence" means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

"Standard of performance" means a standard for emission of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Director determines has been adequately demonstrated.

"Startup of operation" means the beginning of routine operation of an affected facility.

"State" means any non-federal permitting authority, including any local agency, interstate association, or statewide program.

"Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation by this Ordinance or these Regulations and Standards.

"Synthetic Minor source" means any source that has the potential to emit any regulated pollutant at levels that meet or exceed the major source thresholds defined in Article 2, Section 2 of the Regulations and Standards, but has accepted federally enforceable limits to keep potential emissions below the major source thresholds, while maintaining the potential to emit at levels above the minor source thresholds defined in Article 2, Section 5, paragraph (A)(2) of the Regulations and Standards.

"Title V Program" means a program approved by the Administrator for purposes of Title V of the Act.

"Total reduced sulfur" means total sulfur from the following compounds; hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

"Total Suspended Particulates (TSP)" means particulate matter as measured by the method described in Appendix B of 40 CFR Part 50.

"Type 4 waste" (pathological) means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding, if applicable.

Type 5 waste" (hospital/medical/infectious) means hospital waste as defined in this section and any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that are listed as follows:

(1) Cultures and stocks of infectious agents and associated biologicals;
(2) Human pathological waste;
(3) Human blood and blood products;
(4) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories;
(5) Animal waste;
(6) Isolation wastes; and
(7) Unused sharps.

Examples of the 7 waste types previously listed are included in the definition of medical/infectious waste at 40 CFR Part 60 Subpart E Section 60.51c.

Type 5 waste does not include hazardous waste identified or listed under the regulation in Part 261 of Title 40 Chapter I of the CFR; household waste as defined in Section 261.4(b)(1) of Chapter I; ash from incineration of Type 5 waste once the incineration process has been complete, human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage material identified in Section 261.4(a)(1) of Chapter I.

"UTM coordinates" refer to the Universal Transverse Mercator coordinate (UTM) system, which provides coordinates on a world wide flat grid. The UTM coordinate system divides the world into 60 zones, each being six degrees longitude wide and extending from 80 degrees south latitude to 84 degrees north latitude. The first zone starts at the International Date Line and proceeds eastward.

"Volatile organic compound (VOC)" means any compound ~~or~~ of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, dimethyl carbonate, propylene carbonate, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other that the following, which have been determined to have negligible photochemical reactivity:

Acetone
1-chloro-1,1-difluoroethane (HCFC-142b)
Chlorodifluoromethane (CFC-22)
1-chloro-1-fluoroethane (HCFC-151a)
Chlorofluoromethane (HCFC-31)
Chloropentafluoroethane (CFC-115)
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
Dichlorodifluoromethane (CFC-12)
1,1-dichloro-1-fluoroethane (HCFC-141b)
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
1,1-difluoroethane (HFC-152a)
Difluoromethane (HFC-32)
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3,-heptafluoropropane [$(CF_3)_2CFCF_2OCH_3$]
Ethane
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane [$(CF_3)_2CFCF_2OC_2H_3$]
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutant($C_4F_9OC_2H_5$)
3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trefluoromethyl) hexane (HFE-7500,HFE-s702,T-7145, and L-15381)
Ethylfluoride (HFC-161)
1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$) (HFE-7000)
1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)
1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
Methane
Methyl acetate
Methyl formate ($HCOOCH_3$)
Methylene chloride (dichloromethane)
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$)
Parachlorobenzotrifluoride (PCBTF)
1,1,1,3,3-pentafluorobutane (HFC 365mfc)
Pentafluoroethane (HCFC-125)
1,1,1,2,3,-pentafluoropropane (HFC-245eb)
1,1,2,2,3-pentafluoropropane (HFC-245ca)
1,1,2,3,3-pentafluoropropane (HFC-245e)
1,1,1,3,3-pentafluoropropane (HFC-245fa)
Tetrachloroethylene (PERC)
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1-trichloroethane (methyl chloroform);
Trichlorofluoromethane (CFC-11);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-11)
1,1,1-trifluoro 2,2-dichloroethane (HCFC-123)
1,1,1-trifluoroethane (HFC-143a);
Trifluoromethane (FC-23);
Volatile methyl siloxanes (VMS) and
Perfluorocarbon compounds which fall into the following classes:

(a) Cyclic, branched, or linear, completely fluorinated alkanes;
(b) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
(c) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
(d) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

SECTION 17. CONSTRUCTION PERMITS -- WHEN REQUIRED.

(A) No person shall cause the construction, reconstruction, or modification at any of the following without first having obtained a construction permit from the Department in the manner prescribed by these Regulations and Standards:

(1) Any air contaminant source or emission unit, such that there is a net increase in potential emissions equal to or exceeding the following levels (except as provided in paragraph (A)(3)):

(a) For any source which is major for purposes of prevention of significant deterioration, any increase in particulate matter emissions which would subject such source to review or, except for enforceable limits established through the construction permit issued pursuant to this section would subject such source to review under the provisions of 40 CFR Part 52, as adopted in Article 2, Section 19.

(b) Fifteen (15) tons/year of PM_{10} emissions.

(c) Forty (40) tons/year of SO_2 or SO_3, or any combination of the two.

(d) Forty (40) tons/year of oxides of nitrogen (calculated as NO_2)

(e) Forty (40) tons/year of volatile organic compounds (VOC).

(f) Fifty (50) tons/year of carbon monoxide.

(g) Six tenths (0.6) tons/year of lead.

(h) Two and one-half (2.5) tons/year of any hazardous air pollutant or an aggregate of ten (10) tons/year of any hazardous air pollutants, including all associated fugitive emissions.

(i) When determining the net change in potential emissions under paragraph (A)(1) above, fugitive emissions shall be addressed in accordance with the requirements of Article 2, Section 2, paragraph (A)(1) and ~~Section 2~~ paragraph (B) without regard to classification of the source as major or minor.

(2) Any incinerator used for refuse disposal or for processing of salvageable materials, any human/animal crematory, and any Type 4 (pathological) waste burning incinerator, except refuse incinerators located on residential premises containing five or less dwelling units used only for the disposal of residential waste generated on the residential premises where the incinerator is located.

(3) When a source replaces an existing emission unit with a new unit, that performs the same function as that of the unit being replaced, netting shall not be used to determine the need for a permit under this section, except as follows:

(a) The procedure for determining a net increase in ~~potential~~ projected actual emissions will be allowed for sources where the equipment replacement would be subject to the requirements of Article 2, Section 19 of these Regulations and Standards; and

(b) In cases where the source can demonstrate to the Department that netting will result in a net reduction in emissions of individual criteria and toxic air pollutants and total toxic air pollutants, where applicable. In this case, the source may also use actual emissions decreases from emission units that are dissimilar in function to the unit(s) being replaced in order to make this demonstration, provided the actual emissions decreases are concurrent with the planned replacement. However, any emissions increases that occur at this time with respect to these emission units must also be included in this demonstration. The result of the netting calculation must be a difference of less than zero tons per year of emission. This demonstration is not applicable to emission units that are subject to the requirements of Article 2, Section 27 paragraph (C).

(c) If the exceptions of (a) or (b), above are not applicable, the potential emissions of regulated air pollutants associated with the new (replacement) unit alone shall be used to determine the need for a permit, i.e., no reduction in emissions from the new unit shall be allowed because of the elimination of actual emissions from the existing emission unit which is being replaced and those associated with other emission units at the facility. A new unit shall not mean an existing emission unit which is being relocated from another site.

(B) The standards which would have been imposed under a construction permit are applicable to those sources who have failed to obtain a permit to the same extent as if a permit had been obtained.

(1) The permittee must comply with all conditions of the construction permit. Any permit noncompliance shall constitute a violation of these Regulations and Standards and the Act and is grounds for enforcement action or permit revocation.

(C) The owner or operator of any source required to obtain a construction permit under these Regulations and Standards shall submit an application on forms provided by the Department.

(D) An application will be deemed complete if it provides all the information required and is sufficient to evaluate the subject source and to determine all applicable requirements. The application shall be certified by a responsible official for the source.

(E) If the Department determines that the application is not complete and additional information is necessary to evaluate or take final action on the application, the Department may request such information in writing and set a reasonable deadline for a response.

(F) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or correct information.

(G) The Department shall require in the application information necessary to determine if the new or modified source will interfere directly or indirectly with the attainment or maintenance of National Primary and Secondary Ambient Air Quality Standards, or violate any portion of an existing control strategy.

(H) If an air quality impact analysis is deemed necessary by the Director as a part of a construction permit application, concentrations of pollutants that may be expected to occur in the vicinity of a source or combination of sources will be determined by use of an air pollution dispersion model acceptable to the Director. Meteorological and operating conditions that may occur that will produce the greatest concentrations of the pollutants emitted shall be used in evaluating the effect of the source(s) on air quality.

(I) Disapproval of Application for Permits.

(1) If it is determined by the Director that emissions resulting from the operation of a source to be constructed or modified will violate the "Standards of Performance for New Stationary Sources", violate any portion of these rules and regulations, or interfere with attainment or maintenance of a National Ambient Air Quality Standard, no permit will be granted until necessary changes are made in the plans and specifications to obviate the objections to issuance.

(2) A construction permit will not be issued for any major source or major modification when such source or modification would cause or contribute to violation of a national ambient air quality standard by exceeding, at a minimum, the following significant levels at any locality that does not or would not meet the applicable national standard:

Pollutants	Annual	Averaging Time 24 hrs	Averaging Time 8 hrs	Averaging Time 3 hrs	Averaging Time 1 hr
SO_2	1.0 ug/m^3	5.0 ug/m^3	----------	25 ug/m^3	----------
PM_{10}	1.0 ug/m^3	5.0 ug/m^3	----------	----------	----------
NO_2	1.0 ug/m^3	----------	----------	----------	----------
CO	----------	----------	0.5 mg/m^3	----------	2 mg/m^3

(J) Issuance of permits. The Director shall publish notice of intent to approve or disapprove the application in accordance with procedures in Article 2, Section 14 of these Regulations and Standards.

(K) Approval, by issuance of a permit for any construction, reconstruction, or modification, does not relieve the owner or operator from his or her responsibility to comply with the applicable portions of the Implementation Plan control strategy.

(L) If construction, reconstruction, or modification of the source is not commenced within 18 months, the construction permit shall lapse except upon showing by the permittee that the complexity of the construction, reconstruction, or modification requires additional time.

(M) Additional Requirements for Construction or Modification of Sources in non-attainment Areas.

(1) No permit to construct or modify will be issued for a proposed major source of a major modification if the source is located or is to be located in an area that is non-attainment for a pollutant for which the source or modification is major unless it determined that;

(a) By the time the facility is to commence operation, total Allowable emissions from the same source or existing sources in the same non-attainment area, from new sources which are not major emitting facilities, and from existing sources allowed under the Implementation Plan prior to the application for such permit to construct or modify represent a net decrease in emissions and show reasonable further progress toward attainment and maintenance of the ambient air quality standards, and provided that any emission reductions required as a precondition of the issuance of a permit shall be federally enforceable before such permit is issued.

(b) The proposed source is required to comply with the lowest achievable emission rate (LAER); and

(c) The owner or operator of the proposed new or modified source has demonstrated that all other major stationary sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the State subject to emissions limitations are in compliance, with all applicable emission limitations and standards.

(d) The proposed source is in compliance with requirements established under the Implementation plan and the Director shall not issue a permit if the Administrator has determined that the applicable Implementation plan is not adequately implemented for the non-attainment area in which the proposed source is to be constructed or modified.

(e) The source has completed an analysis of alternative sites, sizes, production processes, and environmental and social costs imposed as a result of its location, construction, or modification.

(2) The requirements of ~~sub~~ paragraph (M)(1)(a), above, for emission reductions from existing sources in the vicinity of proposed new sources or modifications shall be determined on a case-by-case basis. The offset baseline shall be the actual emissions of the source from which offset credit is obtained.

(3) The following shall apply to emission offsets:

(a) If the emissions limit under these Regulations and Standards allow a greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential;

(b) For an existing fuel combustion source, credit shall be based on the allowable emissions under the applicable State Implementation Plan for the type of fuel burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. The Director will ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.

(c) Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, provided that the work force to be affected had been notified of the proposed shutdown or curtailment. Source shutdowns and curtailments in production or operating hours occurring prior to the date the new source application is filed generally may not be used for emissions offset credit. However, where an applicant can establish that it shutdown or curtailed production less than one year prior to the date of permit application, and the proposed new source is a replacement for the shutdown or curtailment may be applied to offset emissions for the new source;

(d) No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds." (42 FR 35314, July 8, 1977);

(e) The procedures set out in 40 CFR Part 51, Appendix S, Section IV(D), relating to the permissible location of offsetting emissions, shall be followed, unless the Director determines that an equally stringent or more stringent procedure is appropriate.

(f) Credit for an emissions reduction can be claimed to the extent that the Director has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR 51 Subpart I or in demonstrating attainment or reasonable further progress.

(g) Emissions reductions otherwise required by the Act or these Regulations and Standards shall not be creditable as emission reductions for purposes of any offset.

(4) The provisions of ~~sub~~ paragraph (M), above, do not apply to a source or modification that would be a major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

(a) Coal cleaning plants (with thermal dryers);
(b) Kraft pulp mills;
(c) Portland cement plants;
(d) Primary zinc smelters;
(e) Iron and steel mills;
(f) Primary aluminum ore reduction plants;
(g) Primary copper smelters;
(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
(i) Hydrofluoric, sulfuric, or nitric acid plants;
(j) Petroleum refineries;
(k) Line plants;
(l) Phosphate rock processing plant;
(m) Coke oven batteries;
(n) Sulfur recovery plants;
(o) Carbon black plants (furnace process);
(p) Primary lead smelters;
(q) Fuel conversion plants;
(r) Sintering plants;
(s) Secondary metal production plants;
(t) Chemical process plants;
(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hours heat input;
(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(w) Taconite ore processing plants;
(x) Glass fiber processing plants;
(y) Charcoal production plants;
(z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
(aa) Any other stationary source category which is being regulated by a standard promulgated under Sections 111 or 112 of the Act as of August 7, 1980.

(5) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

(N) Modification of the Construction Permit. The purpose of this section is to provide a means to address unforeseen situations which may develop in the process of constructing or modifying an emission source subject to this Section.

(1) Subject to the approval of the Director, the terms of a construction permit may be modified without public review through the substitution of alternative provisions, provided the following conditions are met:

(a) No emission limit in the original construction permit is exceeded;

(b) No applicable requirement included in an operating permit to which the source is subject is violated;

(c) No emissions limit, equipment or operational standard applicable to the source will be exceeded;

(d) No emissions limit, equipment or operational standard assumed to avoid a classification that would render the source subject to an otherwise applicable requirement will be exceeded; and

(e) The nature of the constructed facility will be consistent with that described in the original public notice materials.

(2) Modifications meeting the conditions of paragraph (N)(1), above, shall be processed as follows:

(a) The owner or operator shall submit an application for modification of a construction permit as provided in paragraph (C), above, and provide such additional information as may be required to determine if the conditions of paragraph (N) (1), above, have been met;

(b) The Department shall review the application and determine whether or not a modification of the construction permit is required. The applicant shall not proceed with the project until a determination is made by the Director.

(3) Proposed modifications to a construction permit which do not meet the conditions of paragraph(N)(1), above, must be processed through the full construction permit process as provided in paragraphs (C) through (M), above.

(O) Construction Permit Exemption for Commercial, Industrial, and Institutional Emergency Generators. This subsection shall apply to the following emergency generators where the total emergency generator capacity at a commercial, industrial, or institutional facility is or will be equal to or greater than 200 KW (kilowatts) for fuel oil and/or natural gas-fired units, or equal to or greater than 19 KW where one or more of these generators is fueled with gasoline: (a) ~~Existing~~ s Stationary units that ~~were~~ are installed on or after 11-15-~~93~~ 09 provided that the owner/operator submits the request for exemption no later than 60 days after installation; and~~:~~ (b) ~~New stationary units that are installed after the effective date of this regulation;~~ Portable units that are installed on or after 11-15-09 provided that the owner/operator submits the request for exemption no later than 2 days after installation except as provided for in paragraph ~~Section 17~~(O)(3), below, for disasters. Owners/operators of emergency electrical generators that do not submit the request for exemption within the time period provided for in (a) or (b) shall be required to obtain a construction permit in accordance with the requirements of Article 2, Section 17(A)(1) of the Regulations and Standards. Within 18 months of issuance of a construction permit, the Department may require an owner/operator to submit an application for an operating permit in accordance with Article 2, Sections 5 or 10 (portable units) of the Regulations & Standards. ~~(c) Existing portable units that are currently being operated in Lancaster County and existing portable units that are sited in Lancaster County after the effective date of this regulation; and (d) New portable units that will be operated in Lancaster County after the effective date of this regulation.~~

(1) To qualify for the exemption, owners/operators of these units shall comply with the following requirements:

(a) ~~For existing units, provide records, to the extent available, that demonstrate the units for which exemptions are sought have never been operated more than 500 hours (including maintenance and readiness testing) during any calendar year. For new units, stipulate that annual operating hours will not exceed 500 (including maintenance and readiness testing) and that records of annual operating hours will be maintained.~~ Stipulate that annual operating hours for a unit will not exceed 500 (including maintenance and readiness testing) and that records of annual operating hours will be maintained. Also, for stationary units manufactured after April 1, 2006, stipulate that maintenance and readiness testing of such units shall be limited to no more than 100 hours per year. If the owner/operator of a unit manufactured after April 1, 2006 can provide the Director with information that indicates a Federal, State, or local standard, the manufacturer, the vendor, or an insurance company associated with the unit recommends maintenance and readiness testing of the emergency electrical generator beyond 100 hours per year, the 100 hour per year limit shall not be imposed. However, the overall operating limit of 500 hours per year shall not be exceeded.

(b) Record operating hours for both test and emergency conditions.

(c) The sulfur content of any fuel oil combusted in these units shall not exceed 0.05% (500 ppm) by weight. Beginning October 1, 2010, the sulfur content of the fuel oil shall not exceed 0.0015% (15 ppm) by weight.

(2) To obtain the exemption, owners/operators of ~~existing~~ stationary emergency generators, ~~i.e., non excepted units installed between 11-15-93 and 7-28-03, that qualify~~ shall submit their requests to the Department and provide the following information for each unit:

(a) The make and model number.

(b) The horsepower and KW rating.

(c) The type of fuel (natural gas, fuel oil) combusted.

(d) If fuel oil is combusted, indicate the grade, such as No. 2, and the sulfur content (% by weight). Provide a statement of certification from the fuel supplier confirming the grade and sulfur content of the fuel oil delivered and a letter from the owner/operator certifying that this is the only type of fuel oil being combusted.

(e) An estimate of the anticipated annual hours of unit operation at the commercial, industrial, or institutional facility. The estimate shall include both test and emergency operating conditions.

(f) The estimated quantity of fuel that will be combusted annually.

(g) A site plan showing the proposed location of the unit and the location of any adjacent habitable structures, such as businesses, schools, and residences. The height of the unit's exhaust stack and the elevations of surrounding habitable structures shall also be indicated. Approval of the unit's location by the Department is required before an exemption will be grants.

~~(e) The greatest number of hours the unit has been operated in any calendar year since the date of installation and the quantity of fuel that was combusted during that period, to the extent this information is available.~~

~~The deadline for submittal of the request for exemption and payment of the exemption request fee established in Section 17 (O)(6) shall be no later than 24 months after the effective date of this regulation (7-28-03). After this period, an owner/operator shall be required to submit a construction permit application and obtain a permit. Within 18 months of issuance of a construction permit, the Department may require an owner/operator to submit an application for an operating permit in accordance with the requirements of Article 2, Section 5 of these Regulations and Standards.~~

(3) To obtain the exemption, owners/operators of ~~qualifying new and existing (non excepted units manufactured prior to 7-28-03 that are currently operating inside of or outside of Lancaster County)~~ portable gasoline-powered emergency generators, ~~or new stationary emergency generators,~~ shall submit their requests to the Department and provide the following information:

(a) ~~All of t~~ The information required in Article 2, Section 17, paragraphs (O)(2)(a) ~~through (e)~~ and (b); and

(b) ~~An estimate of the anticipated annual hours of unit operation at the commercial, industrial, or institutional facility. The estimate shall include both test and emergency operating conditions.~~ The information required in Article 2, Section 17(O)(2)(e) and (g)

~~(c) The estimated quantity of fuel that will be combusted annually.~~

~~(d) A site plan showing the proposed location of the unit and the location of any adjacent habitable structures, such as businesses, schools, and residences. The height of the unit's exhaust stack and the elevations of surrounding habitable structures shall also be indicated. Approval of the unit's location by the Department is required before an exemption will be granted.~~

~~After the effective date of this regulation, (7-28-03), the deadline for submittal of the request for exemption and payment of the exemption request fee for new and existing portable units (not currently operating in Lancaster County) shall be no later than 20 days prior to their installation (new units) or relocation to and operation in Lancaster County, 24 months after the effective date of this regulation (7-28-03) for existing portable units currently operating in Lancaster County, and 60 days prior to the installation of any new stationary units.~~ An exemption for a portable unit shall not be required in cases where the unit is relocated to Lancaster County for the express purpose of addressing an immediate emergency condition, such as the result of a natural or man-made disaster, and the unit will not remain operational for a period greater than seven days (168 hours). If a portable unit will be operated more than seven days, the owner/operator shall be required to apply for the exemption within 24 hours after conclusion of the seventh day of operation in order to avoid the construction permit requirement. After these periods, the owner/operator will be required to submit a construction permit application and to obtain a permit, if an exemption was not obtained. ~~Within 18 months of issuance of the construction permit, the Department may require the owner/operator to submit an operating permit application and obtain an operating permit in accordance with the requirements of Article 2, Sections 5 or 10 of these Regulations and Standards.~~

(4) In the event the owner/operator of an emergency generator who holds an exemption no longer qualifies for the exemption according to the requirements of Article 2, Section 17, paragraphs (O)(1)(a) through (c), or the owner/operator chooses to operate the generator for other than emergency purposes, the owner/operator shall submit a construction permit application to the Department within 60 days of the finding or declaration and shall obtain a permit. Within 18 months of issuance of a construction permit, the Department may require the owner/operator to submit an application for an operating permit in accordance with the requirements of Article 2, Sections 5 or 10 of these Regulations and Standards.

(5) Owners/operators of emergency generators who operate these units in non-compliance with the requirements of Article 2, Section 17, paragraphs (O)(2), (3), or (4) shall be deemed in violation of these requirements and shall be subject to the provisions of Article 1, Sections 3 and 4 of these Regulations and Standards. The owner/operator of an emergency generator whose hours of operation exceed 500 hours and/or 100 hours per year (for units manufactured after April 1, 2006) for maintenance and readiness testing during the year shall report these events to the Department no later than 30 days after the month in which the 500 and/or 100 hours per year limits were exceeded.

(6) A processing fee for review of the construction permit exemption request shall be assessed according to the following schedule:

(a) ~~For those emergency generators addressed in Section 17(O)(2), exemption requests received by the Department within 90 days of the effective date of this regulation will be assessed a fee of $25.00 for up to three units owned by the source and operated in Lancaster County. For more than three units, a fee of $75.00 will be assessed. Exemption requests received between 3 months and 24 months after the effective date of this regulation (7-28-03) will be assessed a fee of $100.00 for up to three units and a fee of $200.00 for more than three units.~~ The exemption request fee for a stationary emergency generator is $50.00.

(b) ~~For those emergency generators addressed in Section 17(O)(3), exemption requests will be assessed a fee of $35.00 for up to three portable units owned and/or operated by a source in Lancaster County. For more than three units, a fee of $85.00 will be assessed.~~ The exemption request fee for up to three portable emergency generators is $50.00, and for more than three generators the fee is $120.00.

~~(b1) The exemption request fee for a new stationary emergency generator that will be operated in Lancaster County is $35.00.~~

(7) The Department will provide a letter of exemption to the owner/operator of an emergency generator who has requested the exemption, has provided the information required in Article 2, Section 17, paragraph (O)(2) ~~and/or Section 17~~ paragraph (O)(3), the Department has determined the unit qualifies for the exemption according to Article 2, Section 17, paragraphs (O)(1)(a) through (c), and has submitted the applicable exemption request fee. The exemption shall remain in effect for each unit that continues to qualify. In the event the Department determines that an exemption can not be granted, a letter explaining the reason(s) for refusal will be sent to the owner/operator. The owner/operator who is denied an exemption may provide additional information to support their request. If the Department, after review of this additional information, continues to deny the exemption, the owner/operator may appeal the decision to the Director according to the procedures established in Article 1, Section 4 of these Regulations and Standards.

(P) Construction Permit Requirements for Commercial, Industrial, and Institutional Non-E emergency Generators. This subsection shall apply to any ~~new (installed after 7-28-03) or existing~~ stationary electric power producing generators operated at commercial, industrial or institutional facilities where the owner/operator participates in a program established by the local utility in which the utility may request that the owner/operator use these generators to produce a limited number of hours of electric power during periods when power from the local utility is available. An owner/operator who participates in this program must obtain a construction permit from the Department that applies to all generators at the facility that may be used for this non-emergency purpose. The owner/operator may utilize these generators for emergency purposes but they will be designated as non-emergency generators for purposes of this subsection.

(1) To qualify for and to obtain this permit, an owner/operator shall comply with the following requirements and provide the following information:

(a) Each generator that may be used for non-emergency purposes must be specifically identified. A distinction must be maintained between those generators that may be used to generate power for non-emergency purposes and those units that will be used solely as emergency generators.

(b) The number of hours the unit may be operated for nonemergency purposes shall be limited to no more than 200 hours per calendar year, and for emergency purposes, including testing, the unit's operation shall be limited to no more than 300 hours per calendar year. For units manufactured after April 1, 2006, maintenance and readiness testing is limited to no more than 100 hours per year unless the owner/operator provides the Director with information that indicates a Federal, State, or local standard, the manufacturer, the vendor, or an insurance company associated with the unit recommends maintenance and readiness testing of these units beyond 100 hours per year. Regardless of the 200 hour limit allowed each unit for non-emergency operation, the emission limit established in ~~sub~~ paragraph (P)(1)(g) of this ~~subs~~ Section shall not be exceeded.

(c) A record of unit operating hours for emergency and testing purposes and for non-emergency purposes shall be maintained on a monthly basis. These records shall be made available to authorized representatives of the Department upon request. The owner/operator shall report to the Department any ~~exceedences~~ exceedances of the 200 hour per year and/or 300 hour per year and/or the 100 hour per year limits limit that are applicable to a generator operating under the requirements of this subsection. The report of ~~exceedences~~ exceedances shall be submitted no later than 30 days after the month in which the 200 hour per year the 300 hour per year and/or the 100 hour per year limits are exceeded.

(d) A record of the quantity of fuel (natural gas, fuel oil) combusted annually for emergency and testing purposes and for non-emergency purposes shall be maintained.

(e) An annual emissions inventory shall be submitted to the Department on forms provided by the Department by March 31st of each year, and shall contain information for the previous calendar year. The inventory must include a separate accounting of the emissions resulting from nonemergency operation and those resulting from emergency, including testing, operation of each generator subject to the requirements of this subsection. This submittal shall also include the records required in subparagraph (c) (operating hours) and (d) (quantities of fuel) above.

(f) The sulfur content of fuel oil combusted shall not exceed 0.05% by weight. ~~, h~~ However, beginning October 1, 2010, the sulfur content of the fuel oil shall not exceed 0.0015% (15 ppm) by weight. The owner/operator shall provide a statement of certification from the fuel supplier confirming that the fuel oil delivered does not exceed this limit, and the owner/operator shall also certify that oil with this sulfur limit is the only type of fuel oil being combusted.

(g) Total criteria and non-criteria emissions from all of these units at a facility during non-emergency operation shall be less than ten (10) tons during a calendar year. The emission factors used to calculate these emissions shall be those provided in AP-42, by the generator manufacturer, or by other sources of information acceptable to the Department.

(h) Within 30 days of the date the Department issues the construction permit, the owner/operator shall submit a construction permit fee in the amount ~~of $50.00~~ required by Article 2, Section 30 of the Regulations and Standards.

(i) Annually, the permittee shall pay emission fees to the Department ~~according to the following schedule:~~ in accordance with Article 1, Section 6, paragraph (B)(1)(d)

~~(1) $500.00 for total actual emissions between 1 and 9.99 tons per year during nonemergency operation of the generator; or~~

~~(2) $100.00 for total actual emissions of less than 1 ton per year during nonemergency operation of the generator.~~

~~No annual fees shall be assessed for those emissions that occur during use for emergency and testing purposes. For sources operating under Class I or Class II operating permits that have been issued this construction permit, this fee schedule shall not apply. Those sources fees shall be assessed fees that include nonemergency use emissions in accordance with the schedule established in Article 1, Section 6 of these Regulations and Standards.~~

(j) The owner/operator shall provide the following information for each non-emergency generator in the construction permit application submitted to the Department:

(1) The make and model number of the generator;

(2) The KW and horsepower ratings;

(3) The type of fuel(s) combusted;

(4) If fuel oil is combusted, indicate the grade, such as No. 2, and the sulfur content (% by weight); and

(5) A site plan showing the location of the stationary non-emergency generator(s) and the location of any adjacent habitable structures, such as businesses, schools, and residences. The height of each unit's exhaust stack and the elevations of surrounding habitable structures shall also be indicated. Depending on the level of concern raised by evaluation of the site plan, the Department may request that an ambient air quality impact analysis be performed.

(2) The owner/operator who has been issued a construction permit for a stationary non-emergency generator(s) that will be operated in accordance with the requirements of this subsection is not required to obtain an operating permit for the unit provided that emissions from the unit in combination with those of other emissions units at the facility do not make the facility subject to the requirements of Article 2, Section 5 of these Regulations and Standards. The emissions from emergency generators operated in conjunction with non-emergency generators at a facility must also be included in determining the need for an operating permit. A non-emergency generator shall not be considered an insignificant activity and it must be included as an emission unit in the operating permit for facilities required to have this permit.

(3) Construction permits issued under this subsection shall not be subject to the affected states review or the public participation provisions of Article 2, Sections 13 or 14 of these Regulations and Standards, respectively.

(Q) Construction Permit Requirements for Commercial, Industrial, and Institutional Electrical Generators Used for Purposes Other Than Those Pertaining to ~~Subsections~~ paragraphs (O) and (P) of this Section. These generators, powered by fuel oil, natural gas, or gasoline, shall be required to obtain a construction permit if the provisions of ~~Subsection~~ paragraph (A) of this Section apply. Additionally, these units may be subject to any or all of the operating permit requirements of Article 2, Sections 5, 9, and 10 of these Regulations and Standards.

Ref: Title 129, Chapter 17, Nebraska Department of Environmental Quality

v. November 2004

SECTION 18. NEW SOURCE PERFORMANCE STANDARDS AND EMISSION LIMITS FOR EXISTING SOURCES.

(A) Standards of Performance for New Stationary Sources.
Not withstanding any other provisions of these regulation, the following "Standards of Performance for New Stationary Sources" published at 40 CFR Part 60, effective July 1, 2006, unless otherwise indicated are hereby adopted by reference and incorporated herein:

(1) General Provisions - Subpart A as revised at 72 Federal Register 32714 on June 13, 2007
(2) Ammonium sulfate manufacture - Subpart PP
(3) Asphalt processing and asphalt roofing manufacture - Subpart UU
(4) Automobile and light duty truck surface coating operations - Subpart MM
(5) Beverage can surface coating industry - Subpart WW
(6) Bulk gasoline terminals - Subpart XX
(7) Calciners and Dryers in Mineral Industries - Subpart UUU ~~(57 Federal Register 44496, September 28,1992)~~
(8) Coal preparation plants - Subpart Y
(9) Commercial and industrial solid waste incineration units for which construction is commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001 - Subpart CCCC, as issued at 65 Federal Register 75350 on December 1, 2000.
(10) Electric arc furnaces and argon-oxygen decarbonization vessels constructed after August 17, 1983 - Subpart AAa
(11) Electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983 - Subpart AA
(12) Electric Utility Steam Generator Units for which construction was commenced after September 18, 1978 - Subpart Da, as revised at 72 Federal Register on June 13, 2007. Section 60.45 Da "Standard for Mercury (Hg) is not incorporated.
(13) Equipment leaks of VOC from onshore natural gas processing plants - Subpart KKK
(14) Equipment leaks of VOC in petroleum refineries - Subpart GGG
(15) Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry - Subpart VV
(16) Ferroalloy production facilities - Subpart Z
(17) Flexible vinyl and urethane coating and printing - Subpart FFF
(18) Fossil-Fuel-Fired Steam Generators for which construction is commenced after August 17, 1971 - Subpart D, as revised at 72 Federal Register 32714 on June 13, 2007.
(19) Glass manufacturing plants - Subpart CC
(20) Grain elevators - Subpart DD
(21) Graphic arts industry: publication rotogravure printing - Subpart QQ
(22) Hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996 - Subpart Ec
(23) Hot Mix Asphalt facilities (Asphalt concrete plants) - Subpart I
(24) Industrial-Commercial-Institutional Steam Generating Units - Subpart Db, revised at 72 Federal Register 32714 on June 13, 2007
(25) Industrial surface coating: large appliances - Subpart SS
(26) Industrial surface coating: plastic parts for business machines - Subpart TTT
(27) Lead-acid battery manufacturing plants - Subpart KK
(28) Lime manufacturing plants - Subpart HH
(29) Magnetic tape coating facilities - Subpart SSS
(30) Metal coil surface coating - Subpart TT
(31) Metallic mineral processing plants - Subpart LL
(32) Municipal incinerators - Subpart E
(33) Municipal Solid Waste Landfill - Subpart WWW
(34) Municipal Waste Combustor - Subpart Ea
(35) Municipal waste combustor - Subpart Eb
(36) Municipal waste combustion unit (small) - Subpart AAAA
(37) New Residential Wood Heater - Subpart AAA
(38) Nitric Acid Plants - Subpart G

(39) Nonmetallic mineral processing plants - Subpart OOO
(40) Onshore natural gas processing; SO_2 emissions - Subpart LLL
(41) Other solid waste ~~incinerators~~ incineration units for which construction is commenced after December 9, 2004, or for which modification or reconstruction is commenced on or after June 16, 2006. - Subpart EEEE
(42) Petroleum dry cleaners - Subpart JJJ
(43) Petroleum refineries - Subpart J
(44) Phosphate fertilizer plants - Subpart T through X
(45) Phosphate rock plants - Subpart NN
(46) Polymeric coating of supporting substrates facilities - Subpart VVV
(47) Portland cement plants -Subpart F
(48) Pressure sensitive tape and label surface coating operations - Subpart RR
(49) Primary aluminum reduction plants - Subpart S
(50) Primary Copper smelters - Subpart P
(51) Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973 - Subpart N
(52) Primary lead smelters - Subpart R
(53) Primary zinc smelters - Subpart Q
(54) Rubber Tire Manufacturing Industry - Subpart BBB
(55) Secondary Brass and Bronze Production Plants - Subpart M
(56) Secondary emissions from basic oxygen process steel making facilities for which construction commenced from after January 20, 1983 - Subpart Na
(57) Secondary lead smelters- Subpart L
(58) Sewage Treatment Plants - Subpart O
(59) Small industrial-commercial - institutional steam generation units - Subpart Dc, as revised at 72 Federal Register 32714 on June 13, 2007.
(60) Stationary gas turbines - Subpart GG~~, as revised at 69 FR 41346 on July 8, 2004 is hereby adopted by reference and incorporated herein.~~
(61) Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978 - Subpart K
(62) Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 23, 1984 - Subpart Ka
(63) Sulfuric Acid Plants - Subpart H
(64) Surface coating of metal furniture - Subpart EE
(65) Synthetic fiber production facilities - Subpart HHH
(66) Volatile Organic Compounds (VOC) emissions from petroleum refinery waste water systems - Subpart QQQ
(67) Volatile Organic Compounds (VOC) emissions from the polymer Manufacturing Industry - Subpart DDD
(68) Volatile Organic Compounds (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit process - Subpart III
(69) Volatile Organic Compounds (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) distillation operations - Subpart NNN
(70) Volatile Organic Compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) reactor processes - Subpart RRR
(71) Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 - Subpart Kb ~~as revised at 68 FR 59328 on October 15, 2003.~~
(72) Wool fiberglass insulation manufacturing plants constructed after February 7, 1984 - Subpart PPP
(73) Appendices A, B, C, and F.
(74) Stationary compression ignition internal combustion engines - Subpart IIII as published at 71 Federal Register 39172 on July 11, 2006.
(75) Stationary combustion turbines - subpart KKKK, as published at 71 Federal Register 38494 on July 6, 2006.

(B) Except as provided in D below, standards of performance are applicable only to those new, modified, or reconstructed facilities specified or defined as an "affected facility".

(C) Should the source need assistance in determining the CFR requirements the Department will provide the needed information on request.

(D) Emission Limits for Existing Stationary Sources. Not withstanding any other provisions of these Regulations and Standards, the following emission limits are applicable to existing sources as follows:

(1) Municipal solid waste (MSW) landfills. The designated facility to which these limits apply is each existing MSW landfill for which construction, reconstruction or modification was commenced before May 30, 1991, which has accepted waste at any time since November 8, 1987, or ~~had~~ has additional capacity available for future waste deposition.

(a) Each designated facility shall submit an initial design capacity report 90 days after ~~adoption of this section~~ September 8, 1997 on forms provided by the Department. The final determination of design capacity shall be subject to review and approval by the Department. Any changes in the physical boundaries, operation or waste deposition practices which increase or decrease the design capacity of the landfill shall require the submittal of an amended design capacity report.

(b) Each designated facility having an aggregate design capacity of 2.5 million megagrams or 2.5 million cubic meters or more shall calculate and report nonmethane organic compound (NMOC) emissions as provided for new MSW landfills under Section 18, (A)(33) beginning 90 days after September 8, 1997.

(c) Each designated facility having an NMOC emission rate of 50 megagrams per year or more shall design, install and operate a landfill gas collection and control system (LGCCS) as provided for new MSW landfills under Section 18, (A)(33)

(d) Each designated facility subject to the control provisions of (D)(1)(c) above shall submit the LGCCS design for Department review within 1 year of the first report in which NMOC emissions equal or exceed 50 megagrams per year, and shall install the approved LGCCS within 30 months of that report, except as provided under Section 18(A)(33).

(e) Each designated facility subject to the control provisions of (D) (1) (c) above shall conduct testing, monitoring, record keeping and reporting for the LGCCS as provided for new landfills under Section 18 (A)(33).

(2) Hospital/medical/infectious waste incinerators. The designated facility to which these limits apply is each individual hospital/medical/infectious waste incinerator for which construction, reconstruction or modification was commenced on or before June 20, 1996. The emission limits under this section apply at all times except during startup, shutdown or malfunction, provided that no hospital waste or medical/infectious waste is charged to the designated facility during startup, shutdown or malfunction. For purposes of this section, the definitions in 40 CFR Part 60, Subpart 60.31e, and the exceptions and exemptions from the definition of designated facility in 40 CFR Part 60, Subpart 60.32e(b) through (h), are adopted by reference and incorporated herein.

(a) Beginning September 15, 2000, e ~~E~~ach designated facility subject to ~~this s~~ Section 18(D)(2) shall be operated pursuant to a Class I operating permit.

(b) For purposes of ~~this s~~ Section 18(D)(2), the size classifications and emission limits provided in Tables 1 and 2 of 40 CFR Part 60, Subpart Ce are adopted by reference and incorporated herein. On or after the date on which the initial compliance test is required, no designated facility shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits for its size, as provided in either Table 1 or 2, as applicable, or exhibit greater than 10 percent opacity, as evaluated by Method 9 in Appendix A of 40 CFR Part 60.

(c) Each designated facility subject to the provisions of this section shall comply with the requirements for operator training and qualification, waste management plans, and record keeping and reporting, except for requirements relating to siting and fugitive emissions, as provided for new sources under Section 18(A)(22).

(d) Each designated facility subject to the provisions of Table 1 as adopted in (D)2.b. shall comply with the requirements for compliance and performance testing and monitoring, except for fugitive emissions testing, as provided for new sources under Section 18(A)(22).

(e) Each designated facility subject to the provisions of Table 2 as adopted under (D)2.b. shall undergo an initial equipment inspection within 1 year of the effective date of ~~this section~~ December 15, 1998, and subsequent equipment inspections no more than 12 months following each previous equipment inspection. For purposes of this paragraph, the inspection requirements in 40 CFR Part 60, Subpart 60.36e(a)(1) and (2) are adopted by reference.

(f) Each designated facility subject to the provisions of Table 2 as adopted under (D)2.b. shall comply with the following:

(1) Requirements for compliance and performance testing as provided in 40 CFR Part 60, Subpart 60.37e(b)(1) through (5)

(2) Requirements for monitoring as provided in 40 CFR Part 60, Subpart 60.37e(d)(1) through (3); and

(3) Requirements for reporting and record keeping as provided in 40 CFR Part 60, Subpart 60.38e(b)(1) and (2).

(g) Each designated facility subject to the provisions of Section 18(D)(2) shall comply with all provisions of Section 18(D)(2) no later than 1 year after the EPA approval of the state plan for existing hospital/medical/infectious waste incinerators.

Ref: Title 129, Chapter 18, Nebraska Department of Environmental Quality

SECTION 22. INCINERATOR EMISSIONS.

The following categories of waste burning combustion units shall be regulated by this section:

(A) Small municipal waste combustion units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001 (40 CFR Part 60 Subpart AAAA). This standard applies to municipal waste combustion units that meet two criteria:

(1) The unit is new as defined at Section 60.1015, Subpart AAAA.

(2) The unit has the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refuse-derived fuel. There are units that are exempt from the requirements of this subpart. Section 60.1020(a) through (k) should be consulted to determine whether a specific type of unit is exempt.

(B) Small municipal waste combustion units constructed on or before August 30, 1999 (40 CFR Part 60 Subpart BBBB, Emission Guidelines and Compliance Times)
As of the effective date of these revised Regulations and Standards there are currently no existing municipal waste combustions units located within Lincoln-Lancaster County that have the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refused derived fuel and were constructed on or before August 30, 1999.

(C) Air curtain incinerators (as defined in Section 60.1465 of 40 CFR Part 60 Subpart AAAA) that burn 100 percent yard waste (as defined in Section 60.1440 of Subpart AAAA)
These units shall comply with the requirements of 40 CFR Part 60 Subpart AAAA, Section 60.1445, 60.1450, and 60.1455. These requirements apply to air curtain incinerators that combust at least 35 tons per day of municipal solid waste and no more than 250 tons per day of municipal solid waste. As of the effective date of these Regulations and Standards there are no air curtain incinerators located within Lincoln-Lancaster County.

Any air curtain incinerators that are installed in Lincoln-Lancaster County and that have a burn limit of less than 35 tons per day of 100 percent yard waste shall meet these limits: (1) The opacity limit is 15 percent (6 minute average) except at startup; and (2) The opacity limit is 40 percent (6 minute average) during the startup period that is within the first 30 minutes of operation. Monitoring, record keeping and reporting requirements shall be those established by the Department.

(D) Large municipal waste combustors that are constructed on or before September 20, 1994 (40 CFR Part 60 Subpart Cb, Emission Guidelines and Compliance Times)
As of the effective date of these revised Regulations and Standards there are currently no existing municipal waste combustion units located in Lincoln-Lancaster County with a combustion capacity greater than 250 tons per day of municipal solid waste and were constructed on or before September 20, 1994.

(E) Hospital/medical/infectious waste incinerators constructed on or before June 20, 1996 (40 CFR Part 60 Subpart Ce, Emission Guidelines and Compliance Times)
A hospital/medical/infectious waste incinerator or HMIWI unit means any device that combusts any amount of Type 5 waste. A combustor is not subject to this subpart if it qualifies under one of the exceptions listed in paragraphs (b) through (h) of Section 60.32e, Subpart Ce. As of the effective date of these Regulations and Standards there are currently two hospital/medical/infectious waste incinerators located in Lincoln-Lancaster County that were constructed on or before June 20, 1996 that are subject to this subpart.

(F) Commercial and industrial solid waste incineration units for which construction commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001 (40 CFR Part 60 Subpart CCCC)
A commercial and industrial solid waste incinerator is a combustion device as defined in Section 60.2265 of Subpart CCCC. A combustor is not subject to this subpart if it qualifies under one of the exceptions listed in paragraphs (a) through (o) of Section 60.2020, Subpart CCCC. As of the effective date of these Regulations and Standards there are currently no commercial and industrial solid waste incineration units located in Lincoln-Lancaster County that were constructed after November 30, 1999 or that have been modified or reconstructed on or after June 1, 2001 that are subject to this subpart.

(G) Commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999 (40 CFR Part 60 Subpart DDDD, Emission Guidelines and Compliance Times)
A commercial and industrial solid waste incinerator as defined in Section 60.2875 of Subpart DDDD and that is not exempt according to Section 60.2555 of Subpart DDDD is subject to the emission guidelines and compliance times of this subpart if it was constructed on or before November 30, 1999. As of the effective date of these Regulations and Standards there are currently no commercial and industrial solid waste incineration units located in Lincoln-Lancaster County that were constructed on or before November 30, 1999 that are subject to this subpart.

(H) Incinerators, as defined at 40 CFR Part 60, Subpart E, Section 60.51, charging more than 50 tons per day that were constructed or modified after August 17, 1971 (40 CFR Part 60 Subpart E)
As of the effective date of these Regulations and Standards there are currently no incinerators located in Lincoln-Lancaster County that were constructed or modified after August 17, 1971 that are capable of charging more than 50 tons per day of solid waste.

(I) Municipal waste combustors constructed after December 20, 1989 and on or before September 20, 1994 (40 CFR Part 60 Subpart Ea)
This subpart applies to municipal waste combustion units with capacities greater than 250 tons per day of municipal solid waste that were constructed after December 20, 1989 and on or before September 20, 1994 or were modified or reconstructed after December 20, 1989 and on or before June 19, 1996 unless the combustor is excepted under one of the provisions, paragraphs (c) through (k), of Section 60.50a, Subpart Ea. As of the effective date of these Regulations and Standards there are currently no municipal solid waste combustors located in Lincoln-Lancaster County that are subject to this subpart.

(J) Large municipal waste combustors constructed after September 20, 1994 or modified or reconstructed after June 19, 1996 (40 CFR Part 60, Subpart Eb)
This subpart applies to large municipal waste combustion units with capacities greater than 250 tons per day of municipal solid waste which are constructed, modified or reconstructed after the dates indicated herein unless the combustor is excepted under one of the provisions, paragraphs (b), (d), (e), (f), (g), (h), (i), (j), (m), and (p), of Section 60.50b, Subpart Eb. As of the effective date of these Regulations and Standards there are currently no large municipal solid waste combustors located in Lincoln-Lancaster County that are subject to this subpart.

(K) Hospital/medical/infectious waste incinerators constructed after June 20, 1996 or modified after March 16, 1998 (40 CFR Part 60 Subpart Ec)
A hospital/medical/infectious waste incinerator or HMIWI unit means any device that combusts any amount of Type 5 waste. A combustor in not subject to this subpart if it qualifies for an exemption under one of the provisions listed in paragraphs (b) through (h) of Section 60.50c, Subpart Ec. As of the effective date of these Regulations and Standards there are currently no hospital/medical/infectious waste incinerators located in Lincoln-Lancaster County that are subject to this subpart.

(L) Other solid water incinerators (OSWI) for which construction is commenced after December 9, 2004, or for which modification or reconstruction is commenced on or after June 16, 2006 (40 CFR Part 60 Subpart EEEE). Other solid waste incinerators are very small municipal waste combustion units (the quantity of municipal solid waste or refuse derived fuel combusted is less than 35 tons per day) and institutional waste incineration units as defined in Section 60.2977 of this subpart. As of the effective date of these amended Regulations and Standards there are no OSWI units located in Lincoln-Lancaster County that are subject to this subpart.

(M) Other solid waste incinerators (OWSI) that commenced construction on or before December 9, 2004 (40 CFR Part 60 Subpart FFFF, Emission Guidelines and Compliance Times). These are the same type of units described in 40 CFR Part 60 Subpart EEEE except their construction commenced on or before the date indicated here. This subpart establishes emission guidelines and compliance times for the control of emissions from OSWI units. ~~As of the effective date of these amended Regulations and Standards there was one OSWI units located in Lincoln-Lancaster County that is subject to this subpart.~~

(N) Hazardous waste combustors

A hazardous waste combustor means a hazardous waste incinerator, hazardous waste burning cement kiln, or hazardous waste burning lightweight aggregate kiln. Hazardous waste is defined in 40 CFR Part 261 Subpart A, Section 261.3. A source planning to construct a hazardous waste incinerator in Lincoln-Lancaster County shall contact both the Department and the Nebraska Department of Environmental Quality to determine all of the requirements that are applicable to a facility of this nature and to be advised as to which agency is responsible for specific requirements. A significant number of requirements that are applicable to hazardous waste incinerators are not part of the air quality Regulations and Standards administered by the Lincoln-Lancaster County Health Department.

(O) Other incineration units

Incineration units that are not subject to the requirements in paragraphs (A) through (N) of this section shall comply with the following requirements:

(1) No person shall cause or permit emissions of particulate matter from any incinerator to be discharged into the outdoor atmosphere to exceed 0.10 grains per dry standard cubic foot (gr/dscf) of exhaust gas, corrected to 12% carbon dioxide. The exhaust gases contributed by the burning of a liquid or gaseous fuel shall be excluded.

(2) The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practice.

(3) Waste burned during performing testing required by paragraph (4) below shall be representative of the waste normally burned by the affected facility and shall be charged at a rate equal to the burning capacity of the incinerator. Copies of additional operational data recorded during the test shall be submitted to the Department together with the completed test report forms.

(4) Instructions for proper operation of each incinerator shall be posted on site and written certification that each operator has read these instructions, understands them and intends to comply, shall be kept on record by the owner.

(5) Each incinerator shall meet the design criteria as set forth in the definition of incinerator at Article 2, Section 1 of these Regulations and Standards and shall meet the additional requirement that the products of combustion be vented through an adequate stack, duct, or chimney.

(6) Chemotherapeutic and low level radioactive wastes (as defined at 40 CFR Part 60 Subpart Ec, Section 60.51c) shall not be incinerated.

Typically, other incineration units include those that incinerate Type 4 (pathological) waste, and crematories for humans and animals.

Ref: Title 129, Chapter 22, Nebraska Department of Environmental Quality

v. June 2007